

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **People of MI v Nolan Deon Nero**
Docket No. **259954**
L.C. No. **03-002570-FC**

William C. Whitbeck, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10),
orders:

The motion to waive fees is GRANTED for this case only.

The delayed application for leave to appeal from the November 24, 2003 judgment of sentence is DISMISSED because appellant failed to file the application within the time period required by the court rules. MCR 7.203(B)(1), and 7.205(F)(3). Furthermore, the exceptions found in MCR 7.205(F)(4) are inapplicable since appellant failed to file his application within 21 days of the entry of the December 15, 2004 order denying his timely postjudgment challenge to his guilty plea.

Nevertheless, the delayed application for leave to appeal as it applies to the January 8, 2004 and the December 15, 2004 orders denying appellant's motions for the appointment of appellate counsel may be submitted to a three-judge panel to decide whether to grant leave since appellant filed his challenge to these orders within the time allotted. MCR 7.203(B)(1), and 7.205(F)(3).



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAY - 4 2005

Date

Sandra Schultz Mengel
Chief Clerk